

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 432 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No.

MANHARLAL B MODI

Versus

TOWN PLANNING OFFICER

Appearance:

MR SURESH M SHAH for Petitioner
MR DM THAKKAR FOR MR PM THAKKAR for
Respondents No.1 and 2 - the Town Planning Officer
Town Planning Scheme No.1, Rajkot and Rajkot
Municipal Corporation, Rajkot.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 19/12/97

ORAL JUDGEMENT

Through this Special Civil Application the petitioner has sought direction seeking to restrain the respondents from using or allowing the use of the final

plot No. 1085 of the sanctioned final scheme, Rajkot No.1 for the use of socially and economically weaker section or of any use other than for the bus terminus. On 9.4.1991 while issuing Rule an order was passed to maintain status quo with regard to the land in question. Although the claim has been contested through the affidavit in reply dated 14.3.1991, the position was clarified in para 4 of the reply and accordingly today when the matter is called out for hearing, Mr.Thakkar appearing for the respondents has made a categorical statement that this plot No. 1085 in question shall not be used for any purpose other than bus stand without first obtaining the modification in the sanctioned scheme. In view of this statement made by Mr.Thakkar, Mr.S.M.Shah th other petitioner does not press this petition and seeks to withdraw the same. Accordingly this Special Civil Application is hereby dismissed as not pressed without prejudice to his rights to agitate afresh, if need be. Rule is hereby discharged. Interim order stands automatically vacated.

m.m.bhatt